

## Interview Summary

Application No.

09/498,135

Applicant(s)

STONE, JOHN F.

Examiner

Jeanine A Enewold Goldberg

Art Unit

1655

All participants (applicant, applicant's representative, PTO personnel):

(1) Jeanine Goldberg.(3) Dr. John Stone.(2) Cindy Pillote.

(4) \_\_\_\_\_.

Date of Interview: 15 February 2001.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: .

Claim(s) discussed: 1.

Identification of prior art discussed: .

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The 103 rejections were discussed. The applicant asserted that the references combined with Marcon were not combinable because the reference of Cherry is directed to genome and the reference of Marcon is directed to FISH which is specific sites which indirectly detect damage. The examiner stated that the reference teach that chromosome damage may be detected in both interphase and metaphase cells. The applicant also asserted that the claims did not teach the TdT labeling. The examiner stated that the limitation was not in the claim. Applicant stated that FISH requires denaturation and annealing of probes. The claim however is directed to a comprising method such that additional steps may be included. Finally, the examiner stated that a claim amendment to TdT would probably not be entered because limitations were not originally presented. However, the examiner noted that Gorczyca did teach the TdT and dNTP labeling for chromosome breakage. The applicant asserted that if it was so obvious why Marcon had not performed such a method. The applicant also argued that the age of the references rendered the claims unobvious. The examiner explained that all of the arguments should be submitted such that they could be made of record. In the response the examiner urged the applicant to provide as many technical reasons why the references were not combinable.